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6 **UNITED STATES DISTRICT COURT**  
7 **DISTRICT OF NEVADA**

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9 ROBERT J. TURNER,

10 Plaintiff,

11 vs.

12 GMAC MORTGAGE; EXECUTIVE  
13 TRUSTEE SERVICES, LLC; MORTGAGE  
14 ELECTRONIC REGISTRATION SYSTEMS,  
INC.,

15 Defendants.

Case No.: 2:10-cv-01875-RLH-PAL

**ORDER**

(Motion to Dismiss—#5)

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17 Before the Court is Defendants Mortgage Electronic Registration System, Inc.  
18 (“MERS”) **Motion to Dismiss** (#5, filed Nov. 2, 2010) for failure to state a claim, and Defendants  
19 Executive Trustee Services, LLC and GMAC Mortgage Joinder (#17, filed Dec. 22, 2010).  
20 Plaintiff did not respond.

21 **DISCUSSION**

22 If one party files a motion to dismiss pursuant to Federal Rule of Civil Procedure  
23 12(b)(6), the party against whom that motion is filed must file points and authorities in opposition  
24 to that motion within fourteen (14) days after service of the motion. Local Rule 7-2(b). The  
25 failure of a party to file points and authorities in opposition to any motion constitutes the party’s  
26 consent to the Court’s grant of the motion. LR 7-2(d); *Abbott v. United Venture Capital, Inc.*, 718

1 F. Supp. 828, 831 (D. Nev. 1989). It has been said these local rules have the force of law no less  
 2 than the federal rules or acts of Congress. *United States v. Hvass*, 355 U.S. 570, 574–75 (1958);  
 3 *see also Weil v. Neary*, 278 U.S. 160, 169 (1929); *Marshall v. Gates*, 44 F.3d 722, 723 (9th Cir.  
 4 1995). The United States Supreme Court itself has upheld the dismissal of a matter for failure to  
 5 respond under the local court rules. *Black Unity League of Ky. v. Miller*, 394 U.S. 100 (1969).

6 Pursuant to the Local Rules of this Court, any response to Defendants' Motion was  
 7 to be filed and served by November 19, 2010. Because no response or opposition to the Motion  
 8 was filed pursuant to the Local Rules, the Court grants Defendants' Motion to Dismiss. *Ghazali v.*  
 9 *Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (failure to follow the district court's local rules is a proper  
 10 ground for dismissal).

11 Further, the Court has reviewed Defendants' motion and finds that it has merit.  
 12 Plaintiff generally fails to allege facts necessary to support his allegations. Also, Plaintiff's  
 13 arguments are essentially the same as myriad other mortgage foreclosure arguments that this Court  
 14 has dismissed for failure to state a claim. Some of these argument are that the securitization of  
 15 Plaintiff's mortgage separated the note from the deed of trust and that the "federal bailout" paid  
 16 Plaintiff's mortgage. These types of arguments are contrary to law. *See, e.g., Robinson v. G.E.*  
 17 *Money*, 618 F. Supp. 2d 1184, 1187 (D. Ariz. 2009); *Gomez v. Countrywide Bank, FSB.*, 2009 WL  
 18 317650 (D. Nev. Oct. 26, 2009). Therefore, the Court also grants the motion on its merits.

### 19 CONCLUSION

20 Accordingly, and for good cause appearing,  
 21 IT IS HEREBY ORDERED that Defendants' Motion to Dismiss (#5) is  
 22 GRANTED. The Clerk of the Court is directed to close this case.

23 Dated: March 31, 2011.

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 26 **ROGER L. HUNT**  
 Chief United States District Judge